

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14528, as amended, of Bancroft Development, Inc., pursuant to Paragraph 8207.11 (3107.2 DCMR 11) of the Zoning Regulations, for variances from the maximum allowable height and number of stories requirements (Sub-section 3201.1, 400 DCMR 11), the side yard requirements (Sub-section 3305.1, 405 DCMR 11), and from the prohibition against the enlargement of a nonconforming structure devoted to a nonconforming use (Paragraph 7106.14, 2002 DCMR 11) for a proposed one story addition to an existing apartment house, a nonconforming use and from Section 7205.22 (2116.2 DCMR 11) to permit two parking spaces to be located in a court in an R-3 District at premises 2229 Bancroft Place, N.W., (Square 2529, Lot 302).

HEARING DATE: January 14, 1987

DECISION DATE: March 4, 1987

DISPOSITION: The Board GRANTED the application by a vote of 4-1 (Charles R. Norris, Patricia N. Mathews, William F. McIntosh and Carrie L. Thornhill to grant; Paula L. Jewell opposed to the motion).

FINAL DATE OF ORDER: September 9, 1987

ORDER

By motion received on September 18, 1987, the Citizens Committee to Oppose BZA Application No. 14528, Theodore S. Simms, and Louis E. Toth, parties in opposition, filed a timely request for reconsideration of the Board's decision granting the subject application. In summary, the motion alleges that the Board's decision was in error in that the applicant did not meet the requisite burden of proof to support the area and use variance relief requested based on the evidence of record and relevant court rulings, and further that aesthetic and/or architectural design considerations were improperly substituted for the legal requirements. The applicant opposed the motion for reconsideration.

Upon consideration of the motion, the applicant's response thereto, the record in the case and its final order, the Board concludes that it has committed no error in deciding the application. The motion does not raise any new issues that were not previously considered by the Board. The issues and concerns of all parties in opposition to the application were thoroughly presented at the public hearing

and are addressed in the final order of the Board dated September 9, 1987.


Accordingly it is ORDERED that the motion for reconsideration is hereby DENIED.

DECISION DATE: October 7, 1987

VOTE: 3-1 (William F. McIntosh and Charles R. Norris to deny; Carrie L. Thornhill to deny by proxy; Paula L. Jewell opposed to the motion; Patricia N. Mathews not present not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

JAN 13 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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